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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,136	11/28/2001	Shih-Chun Chiang	B-4395 619333-0	3402

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/997,136	<b>Applicant(s)</b> CHIANG ET AL.	
	<b>Examiner</b> Jorge L Ortiz-Criado	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. U.S. Patent No. 6,091,680.

Regarding claim 1 and 5, Matsuda et al. discloses a layer jump control apparatus for controlling a layer jump process of an optical drive, wherein the layer jump process comprises a kicking process, a holding process, a braking process and a waiting process, the layer jump control apparatus (See Abstract; Figs. 1-6) comprising:

a pick up head having a lens and a voice coil motor, wherein the pick up head drives the voice coil motor in accordance with a driving force to vertically move the lens (See Fig. 1, ref# 3, 30; col. 4, lines 24-31)

a preamplifier for producing a focusing error signal (See Fig. 1, ref# 5);

a controller for receiving the focusing error signal and producing a focusing control signal (See Fig. 1, ref# 7);

a low pass filter for receiving the focusing control signal and producing a layer distance balancing signal (See Fig. 1, ref# 10; Fig. 6); and

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a driving device for outputting the driving force (See Fig. 1, ref# 14); wherein:

the driving device receives the focusing control signal to determine the driving force when the optical drive does not perform the layer jump process (See col. 4, lines 48-56; col. 20-33)

the driving device receives a kicking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the kicking process the driving device receives a braking signal and the layer distance balancing signal to determine the driving force when the optical drive performs the braking process; and the driving device receives the layer distance balancing signal to determine the driving force when the optical drive performs the holding process and the waiting process (See col. 4, line 48 to col. 5, line 34; Figs, 3,4)

Regarding claim 2 and 6, Matsuda et al. discloses wherein the optical drive is a DVD drive (See col. 9, lines 24-28).

Regarding claim 3 and 7, Matsuda et al. discloses wherein the controller is an equalizer (See Fig. 1, ref# 7).

Regarding claim 4 and 8, Matsuda et al. discloses wherein the layer distance-balancing signal is a direct current voltage level of the focusing control signal (See col. 8, lines 38 to col. 9, line 15).

Regarding claims 9-12, Method claims 9-12 are drawn to the method of using the corresponding apparatus claimed in claims 1-8. Therefore method claims 9-12 correspond to apparatus claims 1-8 and are rejected for the same reasons of anticipation as used above.

***Response to Arguments***

3. Applicant's arguments filed 08/12/2004 have been fully considered but they are not persuasive.

Applicant argue that Matsuda et al. does not disclose, teach or suggest the feature “**a low pass filter**” for receiving the focusing signal and producing a layer distance balancing signal.

The Examiner cannot concur because Matsuda et al. discloses a “**a low pass filter**” for receiving the focusing signal and producing a layer distance balancing signal. Matsuda et al. discloses a “**holding circuit**” # 10 in Figure 1, and as shown in Figure 6, as shown the circuit # 10 is a “**low pass filter**” is shown as the “holding circuit” 10.

Furthermore, the distance balancing signal produced by “**holding circuit/low pass filter**”, as claimed, is a direct current voltage level of the focusing control signal (see for example col. 4, lines 43-64; col. 8, lines 38-61)

Appliant also argue that the layer distance balancing signal is “**an average signal level**” of the focusing signal.

The Examiner cannot find How, Where, When, is described in the specification that the **layer distance balancing signal is an average signal level.**

Nevertheless, the only description found in regard to the distance balancing signal /“**an average signal level**” produced by “**holding circuit/low pass filter**”, appear to be merely a **direct current voltage level of the focusing control signal**, as claimed and as taught by Matsuda et al.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ  
PRIMARY EXAMINER